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10 Attorneys for Defendant  
THE PRUDENTIAL INSURANCE  
11 COMPANY OF AMERICA, INC.

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION**

15 DOMINIQUE OSBORNE, on her own  
behalf on behalf of a class of similarly  
16 situated persons pursuant to F.R.C.P.  
23 and 23 U.S.C. § 216, and on behalf of  
17 the General Public,

18 Plaintiffs,

19 v.

20 THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA, a New  
21 Jersey Corporation,  
22 Defendant.

Case No. 2:10-CV-02465 JFW (CWx)

*The Hon. John F. Walter*

**DECLARATION OF JON D. MEER  
IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR AN ORDER  
EXTENDING THE DEADLINE TO  
SUBMIT A MOTION FOR  
CERTIFICATION**

Date: October 18, 2010  
Time: 1:30 p.m.  
Courtroom: 16

Complaint Filed: April 5, 2010  
Trial Date: May 24, 2011  
Pre-Trial Conference: May 6, 2011  
Motion Cutoff: March 28, 2011  
Discovery Cutoff: March 1, 2011

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DEC. OF JON D. MEER IN SUPPORT OF DEF'S OPP. TO PLAINTIFF'S MOTION FOR AN  
ORDER EXTENDING DEADLINE TO SUBMIT A MOTION FOR CERTIFICATION

1 I, JON D. MEER, declare and state as follows:

2 1. I have personal knowledge of the facts contained in this declaration,  
3 and if called as a witness, I could and would testify as to their accuracy.

4 2. I am licensed to practice law in the State of California, and I am  
5 admitted to appear before this Court. I am a partner in the law firm of Seyfarth  
6 Shaw LLP in Los Angeles, California, and I am the attorney with primary  
7 responsibility for the defense of Defendant in this matter. All of the documents  
8 referenced and attached to this declaration are maintained in my office, in the  
9 ordinary course of business, under my direction and control.

10 3. On July 29, 2010, Plaintiff's counsel asked me if Defendant would  
11 stipulate to extend the deadline for Plaintiff to re-submit her motion for  
12 certification, which had previously been stricken by the Court. In response, on  
13 August 3, 2010, I informed Plaintiff's counsel that Defendant could not stipulate to  
14 extend the deadline set forth in a court order or a local rule. A true and correct  
15 copy of the email response to Plaintiff's counsel is attached as Exhibit "A" and  
16 incorporated herein by this reference.

17 4. Despite Defendant's inability to stipulate to extend the deadline set  
18 forth in the Court's Scheduling Order or Local Rule 23-3, Defendant did not in any  
19 way prevent Plaintiff from seeking an extension of time to re-submit her motion  
20 for certification after it was stricken by the Court. Aside from the inability to  
21 stipulate to an extension that could only be granted by the Court following a  
22 motion by the requesting party, Defendant did not do anything that otherwise  
23 prevented or delayed Plaintiff from filing the pending motion for an extension.

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1 I declare under penalty of perjury under the laws of the State of California  
2 and the United States of America that the foregoing is true and correct based on my  
3 own personal knowledge.

4 Executed this 27th day of September, 2010 in Los Angeles, California.

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6 /s/ Jon D. Meer  
7 JON D. MEER  
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# EXHIBIT A

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**From:** Meer, Jon D.  
**Sent:** Tuesday, August 03, 2010 8:10 PM  
**To:** jason@teeplehall.com  
**Subject:** Osborne v. Prudential--Plaintiff's Motion for Certification

I am writing in response to your request for a stipulation to allow Plaintiff to file a motion for certification more than 90 days after filing her complaint. After reviewing Local Rule 23-3 and the Order of the Court filed on June 15, 2010, I do not believe the parties are allowed to stipulate to changing the deadlines ordered by the Court. Therefore, Defendant declines your invitation to stipulate.

In addition, for the reasons we discussed, Defendant contends that the Court has already rejected your proposed stipulation because the Court has issued two Orders striking Plaintiff's motion for certification. The Court has also issued a third Order that denied Plaintiff's ex parte request for relief from Local Rule 23-3.

This is to inform you that Defendant will oppose any subsequent filing if you intend to again seek relief from the deadlines imposed by Local Rule 23-3 and the Orders of the Court. I am also confirming that we have satisfied our meet and confer requirements on this issue.

Regards,

**Jon D. Meer**

Partner

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